

REMARKS/ARGUMENTS

These remarks are submitted in response to the Non-Final Office Action of March 22, 2006 (Office Action). As the response is timely filed within the three-month statutory period, no fee is believed due. Nonetheless, the Examiner is expressly authorized to charge any deficiencies or credit any overpayment to Deposit Account No. 50-0951

On page 2 of the Office Action, Claims 1-2, 4-5, 7-10, 12-13, 15-19, 22-23 and 27-29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,188,757 to Malik (hereinafter Malik) in view of U.S. Patent No. 6,385,311 to Bauer et al (hereinafter Bauer). On page 3 of the Office Action, Claims 6, 14 and 20-21, 24-25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Malik and Bauer, and further in view of U.S. Patent No. 5,819,173 to Lawrence, *et al.* (hereinafter Lawrence).

Independent Claims 1, 9, 17, and 22 have been amended to emphasize certain aspects of Applicants' invention. Dependent Claims 4, 12, and 18 have been amended to maintain consistency with the claims from which they depend. Dependent Claims 3, 11, and 26 have been cancelled. The amendments are supported throughout the Specification. (See, e.g., Specification, p. 10, lines 13-20; p. 11, lines 10-11; p. 12, lines 8-13; and p. 16, lines 8-16; see also p. 5, lines 3-8 and p. 6, lines 6-11.) No new matter has been introduced by virtue of the amendments.

I. Applicants' Invention

It may be useful to reiterate certain aspects of Applicants' invention prior to addressing the references cited in the Office Action. The invention is directed to systems and methods for temporarily provisioning a telephone service feature for a called party by a calling party. One aspect of the invention is the temporary allocation of telephony resources to support a selected telephone service feature for the duration of an already

connected call, followed by a subsequent reallocation of the resources upon termination of the call.

A particular embodiment of the invention, as typified by amended independent Claim 1, is a method of provisioning a telephone service feature by a calling party. The method includes identifying a telephone service feature, requested by a calling party, to be temporarily provisioned to a called party for the duration of an already connected call between the calling party and a third party that does not include the calling party, wherein the telephone service feature was not previously provisioned to the called party by an exchange carrier. The method includes temporarily allocating telephony system resources to the called party in the already connected call in response to the request by the calling party to support the identified telephone service feature for the duration of the already connected call, and temporarily activating the identified telephone service feature for the duration of the already connected call. The method further includes deactivating the telephone service feature and reallocating the telephony system resources that support the feature in response to completion of the call. (See, e.g., Specification, p. 10, lines 13-20.)

II. The Claims Define Over The Prior Art

As already noted, independent Claims 1, 9, 17, and 22 were rejected as being anticipated by Malik. Malik is directed to a system and method for providing a telephone customer with the ability to obtain temporary advanced telecommunications services pursuant to a rental agreement between the customer and the telephone service provider. (Col. 8, lines 20-24 and Col. 15, lines 58-61; see also Abstract.) Malik allows a customer to initiate a rental agreement for temporary services, but to do so the customer has to "place a call to a special access code." (Col. 8, lines 24-27.) In any event, whether the customer has an already-established rental agreement or wants to initiate one, every such call requesting a temporary service is routed through a "rental service interface through which rental information" is either collected or an existing rental agreement confirmed.

(See, e.g., Col. 8, lines 27-30; Col. 9, lines 1-5; Col. 18, lines 56-60; see also FIG. 3.) Furthermore, Malik is concerned with providing a customer with an ability to obtain a temporary service that is requested by the customer. That is, a request is made by the customer to activate a temporary service on the customer's calling line (See, e.g. Abstract, Lines 6-8). Notably, it is the customer that requests the temporary service, and the temporary service is to be activated on the customer's calling line.

In contrast, Applicant's invention is directed to providing a calling party with an ability to provision temporary services on a called party's line. That is, the calling party can request temporary service features to be made available to the called party. Moreover, the temporary service features, though requested and paid for by the calling party, may not be received by the calling party.

For example, in accordance with the inventive arrangement, a calling party can place a call to a called party. The called party may however already be in a connected call with a third party (See Specification, Page 14, Lines 10-17). The already connected call does not include the calling party. The calling party will receive a busy signal when placing a call to the called party, which is already in a connected call. The calling party can request a temporary service feature, such as call-waiting, to be provisioned to the called party. Understandably, the called party does not already have a call waiting feature, else the calling party would not receive a busy signal (See Specification, Page 15, Lines 13-18). Accordingly, the calling party can request that a call waiting feature be temporarily made available to the called party. That is, the temporary service is provided to the called party, not the calling party.

Consequently, in response to an activation of the temporary call waiting feature provided by the calling party to the called party's call line, the called party can receive a call waiting indication. The called party can take advantage of the temporary service feature and switch over to the calling party. Notably, the calling party receives the temporary service which can be considered an option. That is, the calling party may not

elect to utilize the provisioned feature. Accordingly, the called party may not benefit from the temporary service feature though the cost of the temporary service feature was charged to the calling party. As another example, the temporary service feature may be a conference call feature, which allows the calling party to join the already connected call between the called party and the third party, if the called party so desires. Furthermore, the calling party that requested the temporary service feature is billed the costs associated with the temporary service feature. That is, the cost of the service feature is charged to the calling party and not the called party, though the service feature was provided to the called party.

On page 2 of the Office Action, the Examiner also points out that it would have been obvious to incorporate a means for deactivating a service feature at the end of a call as taught by Bauer into the Malik et al. system, with respect to claims 1, 9, 17, 22, 27-29. However, Applicant's invention is directed to allowing a calling party to temporarily provision a telephone service feature to a called party that is already in a connected call to a third party which does not include the calling party. As previously noted, the calling party may in fact not benefit from the temporary service feature; that is, receive service. Consequently, deactivating the temporary service feature depends on the action taken by the called party in response to the activation of the temporary service feature provided by the calling party. Deactivating the service may coincide with the calling party terminating the temporary service feature. The method of deactivating as presented by Bauer would therefore not apply to Applicant's invention. Moreover, it would not be obvious to apply the teachings of Bauer to a system that is not in the same field of endeavor as the system of Malik.

On page 3 of the Office Action, the Examiner points out that claims 6, 14, and 20-21, 24-25 are unpatentable over Malik et al./Bauer and further in view of Lawrence and the instant application. Applicant's respectfully agree that multiplexing one or more services onto a conduit is known in the art. However, multiplexing a service onto an

already connected line is not obvious to those skilled in the art. One can appreciate that the control logic involved in multiplexing a signal onto an already connected line is more involved than multiplexing a service feature on a non-connected line. (See, e.g., Specification, Page 15, Lines 14-20.) For example, prior to connecting a call, the controller 140 (See FIG. 4) can identify interleaving time slots for multiplexing the service with the call. That is, the call set up can take into consideration the services made available to the call for setting up resources for handling the call. However, when the call is already connected, the control logic 142 for clocking the data on the conduit 130 may already be assigned. For example, the logic unit 142 sends the data on time slots based on the clock 144. Understandably, when the call is already connected, the control logic will need to re-assign time slots to accommodate the temporary service feature. Accordingly, it would not be obvious to those skilled in the art to multiplex a temporary service feature requested by a called party on a first line onto a second line which is already in a connected call.

Applicants respectfully submit, therefore, that Malik fails to teach or suggest every feature recited in independent Claims 1, 9, 17, and 22, as amended, and that the claims thus define over the prior art. Additionally, Applicants respectfully emphasize that in addition to not teaching or inherently possessing each aspect of the claimed invention, Malik fails to contemplate the claimed invention. For example, Malik does not solve the same problem that Applicant's invention does, nor would the Applicant's claimed invention be obvious to one of ordinary skill in the art in light of Malik or other known techniques and methodologies that existed at the time of Applicant's invention.

As neither Bauer, Lawrence, nor any combination thereof teaches or suggests the features of the present invention as claimed, withdrawal of the 35 U.S.C 103(a) rejection regarding claims 6, 14, 20-21, 24-25 is respectfully requested.

Applicants further respectfully submit that whereas the remaining dependent claims each depend from one of the amended independent claims while reciting

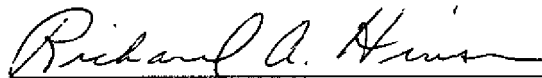
additional features, it follows that dependent Claims 2, 4-8, 10, 12-16, 18-19, 23, and 26-29 likewise define over the prior art.

CONCLUSION

Applicants believe that the application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

Date: **June 22, 2006**



Gregory A. Nelson, Registration No. 30,577
Richard A. Hinson, Registration No. 47,652
Marc A. Boillot, Registration No. 56,164
AKERMAN SENTERFITT
Customer No. 40987
Post Office Box 3188
West Palm Beach, FL 33402-3188
Telephone: (561) 653-5000